

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-11387-GAO

CARL CASWELL,
Plaintiff,

v.

DRUG ENFORCEMENT ADMINISTRATION,
Defendant.

OPINION AND ORDER
December 19, 2011

O'TOOLE, D.J.

The plaintiff, Carl Caswell, filed this action challenging the United States drug laws on the grounds that the drug laws endanger the safe use of drugs. He requests that all money and government control of drugs be transferred to the “political represents of the people” and to him until an election takes place. The United States has moved to dismiss the action for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1), and for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6).

“[A] suit may be dismissed for want of jurisdiction where the alleged claim . . . ‘is wholly insubstantial and frivolous.’” Brule v. Southworth 611 F.2d 406, 409 (1st. Cir. 1979) (quoting Bell v. Hood, 327 U.S. 678, 682-83 (1946)).

The plaintiff has alleged no basis for jurisdiction. The complaint is nearly unintelligible and what can be discerned is so insubstantial and devoid of merit as to involve no real federal controversy. Plaintiff’s claims are wholly frivolous and fail to set forth any basis for jurisdiction. In short, no reasonable person could suppose this case to have any merit.

Therefore, the plaintiff's motion to proceed (dkt. no. 4) is DENIED and the defendant's motion to dismiss (dkt. no. 2) is GRANTED. This action is hereby DISMISSED with prejudice.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge